

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**EDDIE GRAVES,**

**Defendant.**

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**CASE NO. 8:01CR298**

**ORDER**

This matter is before the Court on the Defendant's motion for counsel and medical care after release (Filing No. 121).

The Defendant, Eddie Graves, pleaded guilty to Count I of the Indictment charging him with conspiracy to distribute and possess with intent to distribute cocaine. Graves's PSR reported that at the time of sentencing he was in good health and noted that Graves suffered occasionally from gout for which he took prescribed medication. (PSR, ¶ 55.) Graves identified no mental health issues. (*Id.*, ¶ 56.) On July 11, 2005, Graves was sentenced to 120 months imprisonment and 5 years supervised release. (Filing No. 87.) The Eighth Circuit Court of Appeals affirmed Graves's sentence. (Filing No. 113.) His projected release date is July 5, 2010.

Graves seeks an order for medical care upon release from the Bureau of Prisons under 18 U.S.C. § 3553(a)(2)(D). He also seeks appointment of counsel. In support of his request for medical care after his release, Graves cites to *United States v. Booker*, 543 U.S. 220 (2005). Graves appears to argue that § 3553(a)(2)(D) requires the provision of medical care for persons on supervised release.

Section 3553(a)(2) sets out factors to be considered in imposing a sentence. In the context of supervised release, the meaning of § 3553(a)(2)(D) is best explained in the



language of the applicable sentencing guideline. Supervised release conditions must be “reasonably related to . . . the need to provide the defendant with needed . . . medical care.” U.S.S.G. § 5D1.3(b).

Graves’s request is premature, as his release date is more than 2 years in the future. Additionally, he appears to misconstrue the intent of § 3553(a)(2)(D). Therefore, his motion is denied.

IT IS ORDERED that the Defendant’s motion for counsel and medical care after release (Filing No. 121) is denied.

DATED this 14<sup>th</sup> day of April, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge